

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-20-0005A

3 **MICHELLE T. M. CABALONA, M.D.**

4 Holder of License No. 33404  
5 For the Practice of Allopathic Medicine  
In the State of Arizona.

**ORDER FOR LETTER OF  
REPRIMAND AND PROBATION;  
AND CONSENT TO THE SAME**

6 Michelle T. M. Cabalona, M.D. ("Respondent") elects to permanently waive any  
7 right to a hearing and appeal with respect to this Order for Letter of Reprimand and  
8 Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to  
9 the entry of this Order by the Board.

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of  
12 the practice of allopathic medicine in the State of Arizona.

13 2. Respondent is the holder of license number 33404 for the practice of  
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-20-0005A after receiving notification of  
16 a malpractice settlement regarding Respondent's care and treatment of a 12 year-old male  
17 patient ("BL") alleging delay in referral of the patient to a nephrologist for kidney disease.

18 4. On June 26, 2009, BL initially saw Respondent for a sick visit, at which time  
19 BL's father was concerned about poor weight gain and not eating well. BL's lab results  
20 showed an elevated creatinine of 0.84. A urinalysis showed an increase in white blood  
21 cells ("WBC").

22 5. On February 20, 2010, BL saw a different pediatrician with a complaint of  
23 dark/pink urine. A urinalysis was performed and did not show any WBCs. On July 22,  
24 2011, BL saw Respondent for a well-child check. BL was diagnosed with failure to thrive  
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1 and his lab results showed an elevated creatinine of 1.42. A urinalysis showed an  
2 increased number of WBCs.

3 6. On September 14, 2012, BL saw Respondent for a well-child check. A bone  
4 age test was ordered due to BL's short stature. Respondent referred BL to an  
5 endocrinologist for poor growth velocity. On February 14, 2014, BL saw Respondent for a  
6 well-child check. Respondent noted BL was being followed by an endocrinologist who  
7 diagnosed BL with isolated growth hormone deficiency and pituitary dwarfism. On April 23,  
8 2015, BL saw Respondent for a well-child check. Respondent noted that BL was being  
9 followed by an endocrinologist and on growth hormone. A lab test panel obtained by the  
10 endocrinologist showed an elevated creatinine of 1.62.

11 7. On July 12, 2015, BL saw Respondent to discuss the results of labs ordered  
12 by the endocrinologist. The endocrinologist had referred them to a nephrologist due to an  
13 increasing level in BL's creatinine. A lab test panel obtained by the endocrinologist showed  
14 an elevated creatinine of 1.98. Respondent recommended to keep the appointment with  
15 the nephrologist. Subsequently, the pediatric nephrologist evaluated BL and noted  
16 evidence of chronic renal failure probably stage III of long-standing duration. Further  
17 studies including a renal biopsy indicated chronic interstitial fibrosis and marked loss of  
18 glomeruli. The pediatric nephrologist's differential diagnoses included congenital dysplastic  
19 kidney chronic renal reflux and urinary tract infection. BL was started on a medication  
20 program to treat renal acidosis and associated renal related problems. BL has been placed  
21 on a kidney transplant list.

22 8. The standard of care requires a physician to identify and evaluate abnormal  
23 laboratory results. Respondent deviated from this standard of care by failing to identify and  
24 evaluate elevated creatinine levels causing a delay in diagnosis of renal failure.

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1 Respondent shall obey all state, federal and local laws, all rules governing the  
2 practice of medicine in Arizona, and remain in full compliance with any court ordered  
3 criminal probation, payments and other orders.

4 3. The Board retains jurisdiction and may initiate new action against  
5 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s).

6 DATED AND EFFECTIVE this 4<sup>th</sup> day of September, 2020.

7  
8 ARIZONA MEDICAL BOARD

9  
10 By *Christina Judd* for  
11 Patricia E. McSorley  
Executive Director

12  
13 **CONSENT TO ENTRY OF ORDER**

14 1. Respondent has read and understands this Consent Agreement and the  
15 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
16 acknowledges she has the right to consult with legal counsel regarding this matter.

17 2. Respondent acknowledges and agrees that this Order is entered into freely  
18 and voluntarily and that no promise was made or coercion used to induce such entry.

19 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to  
20 a hearing or judicial review in state or federal court on the matters alleged, or to challenge  
21 this Order in its entirety as issued by the Board, and waives any other cause of action  
22 related thereto or arising from said Order.

23 4. The Order is not effective until approved by the Board and signed by its  
24 Executive Director.

25 5. All admissions in this Order made by Respondent are solely for final  
disposition of this matter and any subsequent related administrative proceedings or civil

1 litigation involving the Board and Respondent. Therefore, said admissions by Respondent  
2 are not intended or made for any other use, such as in the context of another state or  
3 federal government regulatory agency proceeding, civil or criminal court proceeding, in the  
4 State of Arizona or any other state or federal court.

5 6. Notwithstanding any language in this Order, this Order does not preclude in  
6 any way any other State agency or officer or political subdivision of this State from  
7 instituting proceedings, investigating claims, or taking legal action as may be appropriate  
8 now or in the future relating to this matter or other matters concerning Respondent,  
9 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent  
10 acknowledges that, other than with respect to the Board, this Order makes no  
11 representations, implied or otherwise, about the views or intended actions of any other  
12 state agency or officer or political subdivisions of the State relating to this matter or other  
13 matters concerning Respondent.

14 7. Upon signing this agreement, and returning this document (or a copy thereof)  
15 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
16 the Order. Respondent may not make any modifications to the document. Any  
17 modifications to this original document are ineffective and void unless mutually approved  
18 by the parties.

19 8. This Order is a public record that will be publicly disseminated as a formal  
20 disciplinary action of the Board and will be reported to the National Practitioner's Data  
21 Bank and on the Board's web site as a disciplinary action.

22 9. If any part of the Order is later declared void or otherwise unenforceable, the  
23 remainder of the Order in its entirety shall remain in force and effect.

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1 10. If the Board does not adopt this Order, Respondent will not assert as a  
2 defense that the Board's consideration of the Order constitutes bias, prejudice,  
3 prejudgment or other similar defense.

4 11. Any violation of this Order constitutes unprofessional conduct and may result  
5 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,  
6 consent agreement or stipulation issued or entered into by the board or its executive  
7 director under this chapter.") and 32-1451.

8 12. **Respondent has read and understands the conditions of probation.**

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10   
MICHELLE T. M. CABALONA, M.D.

DATED: Aug. 3, 2020

11 EXECUTED COPY of the foregoing mailed  
12 this 30<sup>th</sup> day of August, 2020 to:

13 4<sup>th</sup> September  
Michelle T. M. Cabalona, M.D.  
Address of Record

14  
15 ORIGINAL of the foregoing filed  
16 this 4<sup>th</sup> day of September, 2020 with:

17 Arizona Medical Board  
1740 West Adams, Suite 4000  
18 Phoenix, Arizona 85007

19   
20 Board staff